

## REMARKS

### Specification

The Examiner has objected to the disclosure because of the following informalities:

- On page 1, line 26, "effort have been" should be --effort has been--.
- On page 13, line 12, "An" should be --A<sub>n</sub>--.
- BRIEF SUMMARY OF THE INVENTION is missing from the application.

Regarding the informalities on page 1 and page 13, the disclosure has been appropriately amended.

Regarding the lack of a Brief Summary of the Invention, Applicant respectfully submits that both the MPEP and 37 C.F.R. § 1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicant elects to include one. In particular, 37 C.F.R. § 1.73 clearly states that "[a] brief summary of the invention... should precede the detailed description." 37 C.F.R. § 1.73 does not state "must" or "shall."

Applicant, accordingly, respectfully requests withdrawal of the objection to the disclosure because it is missing a BRIEF SUMMARY OF THE INVENTION.

### Claim Objections

The Examiner has objected to claims 11-16 because of the following informalities:

- Regarding claims 11 and 14, on line 5 of each mentioned claim, "and" is missing after the third semicolon (;).
- Regarding claims 12, 13, 15, and 16, these claims are dependent upon claims 11 and 14, respectively, and therefore inherit their deficiencies.

Claims 11 and 14 have been appropriately amended.

### 35 U.S.C. § 112 Rejections

The Examiner has rejected claims 2, 6, 9, 12, and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 6, 9, 12, and 15 include the limitation "most significant bits." The Examiner states that the term "most significant" is a relative term which renders the claim indefinite. The Examiner also states the term "most significant" is not defined by the claim, the specification does provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not reasonably be appraised of the scope of the invention. The Examiner further states it is not understood what the most significant bits are in this invention. The Examiner further states to a person interested in receiving content, the content bits are the most significant bits. The Examiner further states on the other hand, a broadcaster is interested in the bits

arriving in being decrypted properly. The Examiner further states in this case, the header and the sync bits are the most significant bits.

Applicant respectfully submits that “most significant bit (MSB)” is a common computing term that one reasonably skilled in the art would understand. The most significant bit is the bit in a multiple-bit binary number with the largest value. This is usually the bit farthest to the left, or the bit transmitted first in a sequence. For example, in the binary number 1000, the MSB is 1 and in the binary number 0111, the MSB is 0. This definition of MSB can be found at the following website:

[http://whatis.techtarget.com/definition/0,,sid9\\_gci901151,00.html](http://whatis.techtarget.com/definition/0,,sid9_gci901151,00.html)

Furthermore, the McGraw-Hill Dictionary of Scientific and Technical Terms (5<sup>th</sup> Edition), published in 1994, defines most significant bit as a computer science term meaning “the left most bit in a word.”

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 2, 6, 9, 12, and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

#### 35 U.S.C. § 102 Rejections

The Examiner has rejected claims 1-16 under 35 U.S.C. § 102(e) as being anticipated by Manabu.

Claim 1 includes each of the video source and recording devices initializing a cipher unit. Specifically, claim 1 includes the limitation "each of the video source and recording devices initializing a cipher unit with said initialization value."

Claims 5 and 8 have been amended to include each of the video source and recording devices initializing a cipher unit. Specifically, claim 5 includes the limitation "the cipher unit including a register to be initialized by each of the video apparatus and the video recording device." Specifically, claim 8 includes a limitation "the cipher unit including a register to be initialized by each of the video apparatus and the video source device."

Claims 11 and 14 have been amended to include each of the video source and recording devices incorporating copy control information as part of an initialization value. Specifically, claim 11 includes the limitation "incorporating said n-bits of copy control information as part of an initialization value with each of the video source device and the video recording device." Specifically, claim 14 includes the limitation "incorporating said n-bits of copy control information as part of an initialization value with each of the video recording device and the video source device."

Manabu does not disclose each of the video source and recording devices initializing a cipher unit or incorporating copy control information as parts of an initialization value. Manabu discloses a digital information recording apparatus to record digital information to protect copyright of digital information that includes at least first digital information and first copy control information (Abstract). As

illustrated in Figure 1, the apparatus includes a digital signal input terminal 301, a copy control information input terminal 302, an encryption circuit 303, a copy control information discrimination circuit 304, a selection circuit 305, a copy control information additional circuit 306, and an output terminal 307. A digital signal inputted from the input terminal 301 is supplied to the encryption circuit 303 and the selection circuit 305 (Col. 3, lines 41-48). A copy control information which relates to the digital signal from the input terminal 301 is inputted into the input terminal 302 (Col. 3, lines 48-51). The copy control information discrimination circuit 304 performs a discrimination procedure based on the copy control information from the input terminal 302 (Col. 3, lines 58-60). The encryption circuit 303 encrypts the inputted digital signal with a predetermined encryption key which may be usually renewed minute by minute and output the encrypted digital signal (Col. 4, lines 4-7). The copy control information additional circuit 306 adds the copy control information inputted from the input terminal to the output data from the selection circuit 305 (Col. 4, lines 53-56). Manabu thus discloses initializing the encryption circuit based on a single stream of copy control information. Specifically, Manabu does not disclose each of the video source and recording devices initializing a cipher unit or incorporating copy control information as parts of an initialization value.

Therefore claims 1, 5, 8, 11, and 14 are not anticipated by Manabu because claims 1, 5, 8, 11, and 14 include limitations that are not disclosed in Manabu.

Claims 2-4, 6, 7, 9, 10, 12, 13, 15, and 16 are dependent on either claim 1, 5, 8, 11, or 14 and should be allowable for the same reasons stated above.


Applicants, accordingly, respectfully request withdrawal of the rejections of claims 1-16 under 35 U.S.C. § 102(e) as being anticipated by Manabu.

Applicants, respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call James H. Salter at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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